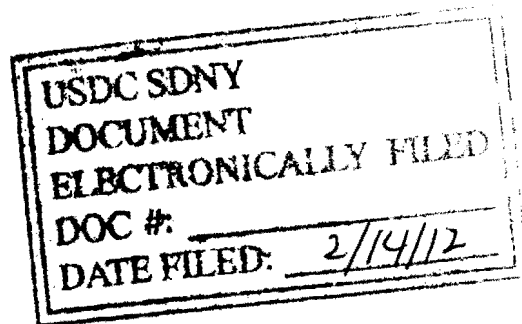


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**



----- X
:
LEARNING ANNEX HOLDINGS, LLC, :
LEARNING ANNEX, LLC, and :
LEARNING ANNEX, L.P., :

Plaintiffs,

- against -

RICH GLOBAL, LLC, and :
CASHFLOW TECHNOLOGIES, INC., :

Defendants.

----- X
SHIRA A. SCHEINDLIN, U.S.D.J.:

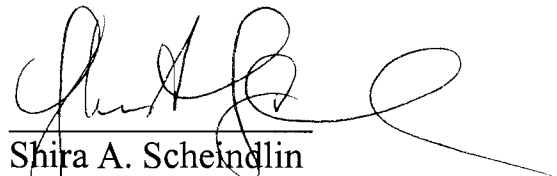
ORDER
09 Civ. 4432 (SAS)

After reviewing the two letters submitted by defendants on February 9, 2012 and February 10, 2012 and the letter submitted by plaintiffs on February 10, 2012, I exercise the “broad discretion” I have with respect to the “control and management of [a] new trial”¹ to deny defendants’ request to designate new expert witnesses. I have granted both parties an equal opportunity to supplement the reports of previously identified expert witnesses and both parties may conduct additional depositions of those experts. Defendants have not presented any reason for introducing a new expert witness that outweighs the expense and inconvenience

¹ 11 Wright, Miller & Cooper, Federal Practice & Procedure § 2803.

plaintiffs would incur as a result.² Accordingly, defendants' request is denied.

SO ORDERED:



Shira A. Scheindlin
U.S.D.J.

Dated: New York, New York
February 14, 2012

² It appears that the sole reason defendants request a new expert witness is because defendants have retained new counsel.

-Appearances-

For Plaintiffs:

Jonathan Harris, Esq.
Julie Withers, Esq.
Charlotte Houghteling, Esq.
Harris Cutler & Houghteling LLP
111 Broadway, Suite 402
New York, New York 10006
(212) 397-3370

David Deitch, Esq.
Ifrah PLLC
1627 Eye Street NW, Suite 1100
Washington, D.C. 20006
(202) 524-4147

Edwin G. Schallert, Esq.
Debevoise & Plimpton, LLP
919 Third Avenue, 31st Floor
New York, New York 10022
(212) 909-6000

For Defendants:

John D. Rapoport, Esq.
John D. Rapoport, PC
c/o Marulli, Lindenbaum, LLP
5 Hanover Square, 4th Floor
New York, New York 10022
(914) 588-3415

Lewis Richard Clayton, Esq.
Daniel J. Leffell, Esq.
Paul, Weiss, Rifkind, Wharton & Garrison LLP
1285 Avenue of the Americas
New York, New York 10019
(212) 373-3215